

1 **PRISON RELOCATION COMMISSION**

2 2014 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Jerry W. Stevenson**

5 House Sponsor: Brad R. Wilson

7 **LONG TITLE**

8 **General Description:**

9 This bill addresses the creation of a Prison Relocation Commission.

10 **Highlighted Provisions:**

11 This bill:

- 12 ▶ enacts provisions creating the Prison Relocation Commission;
- 13 ▶ provides for commission membership, duties, and responsibilities;
- 14 ▶ requires the commission to study and make recommendations on how and where to
- 15 move the state prison; and
- 16 ▶ provides for the repeal of commission provisions.

17 **Money Appropriated in this Bill:**

18 This bill appropriates in fiscal year 2013-14:

- 19 ▶ to the Senate, as a one-time appropriation:
 - 20 • from the General Fund, \$14,000, to pay salaries of senators serving on the
 - 21 Prison Relocation Commission;
- 22 ▶ to the House of Representatives, as a one-time appropriation:
 - 23 • from the General Fund, \$19,000, to pay salaries of representatives serving on
 - 24 the Prison Relocation Commission;
- 25 ▶ to the Office of Legislative Research and General Counsel, as a one-time
- 26 appropriation:
 - 27 • from the General Fund, \$50,000, to pay for staff services for the Prison
 - 28 Relocation Commission; and
- 29 ▶ to the Division of Facilities Construction and Management, as a one-time

30 appropriation:

- 31 • from the General Fund, \$3,417,000, to pay for new prison siting and for other
32 services.

33 **Other Special Clauses:**

34 This bill provides an immediate effective date.

35 **Utah Code Sections Affected:**

36 AMENDS:

37 **63I-1-263**, as last amended by Laws of Utah 2013, Chapters 28, 62, 101, 167, 250, and
38 413

39 ENACTS:

40 **63C-15-101**, Utah Code Annotated 1953

41 **63C-15-102**, Utah Code Annotated 1953

42 **63C-15-201**, Utah Code Annotated 1953

43 **63C-15-202**, Utah Code Annotated 1953

44 **63C-15-203**, Utah Code Annotated 1953

45 **63C-15-204**, Utah Code Annotated 1953



47 *Be it enacted by the Legislature of the state of Utah:*

48 Section 1. Section **63C-15-101** is enacted to read:

49 **CHAPTER 15. PRISON RELOCATION COMMISSION**

50 **Part 1. General Provisions**

51 **63C-15-101. Title.**

52 This chapter is known as "Prison Relocation Commission."

53 Section 2. Section **63C-15-102** is enacted to read:

54 **63C-15-102. Definitions.**

55 As used in this chapter:

56 (1) "Commission" means the Prison Relocation Commission, created in Section

57 **63C-15-201.**

58 (2) "Department" means the Department of Corrections, created in Section 64-13-2.

59 (3) "Division" means the Division of Facilities Construction and Management, created
60 in Section 63A-5-201.

61 (4) "Justice commission" means the Commission on Criminal and Juvenile Justice,
62 created in Section 63M-7-201.

63 (5) "State prison" means the prison that the state operates in Salt Lake County.

64 Section 3. Section 63C-15-201 is enacted to read:

65 **Part 2. Commission Provisions**

66 **63C-15-201. Commission created -- Membership -- Cochairs -- Removal --**
67 **Vacancy.**

68 (1) There is created an advisory commission known as the Prison Relocation
69 Commission, composed of:

70 (a) three members of the Senate, appointed by the president of the Senate, no more
71 than two of whom may be from the same political party;

72 (b) four members of the House of Representatives, appointed by the speaker of the
73 House of Representatives, no more than three of whom may be from the same political party;

74 (c) the executive director of the justice commission, appointed under Section
75 63M-7-203; and

76 (d) the executive director of the department, appointed under Section 64-13-3, or the
77 executive director's designee.

78 (2) The commission members from the Senate and House of Representatives are voting
79 members of the commission, and the members appointed under Subsections (1)(c) and (d) are
80 nonvoting members of the commission.

81 (3) The president of the Senate shall appoint one of the commission members from the
82 Senate as cochair of the commission, and the speaker of the House of Representatives shall
83 appoint one of the commission members from the House of Representatives as cochair of the
84 commission.

85 (4) The president of the Senate may remove a member appointed under Subsection

86 (1)(a), and the speaker of the House of Representatives may remove a member appointed under
87 Subsection (1)(b).

88 (5) A vacancy of a member appointed under Subsection (1)(a) or (b) shall be filled in
89 the same manner as an appointment of the member whose departure from the commission
90 creates the vacancy.

91 (6) A commission member shall serve until a successor is duly appointed and qualified.

92 Section 4. Section **63C-15-202** is enacted to read:

93 **63C-15-202. Quorum and voting requirements -- Bylaws -- Salaries and expenses**
94 **-- Staff.**

95 (1) A majority of the voting commission members constitutes a quorum, and the action
96 of a majority of a quorum constitutes action of the commission.

97 (2) The commission may adopt bylaws to govern its operations and proceedings.

98 (3) (a) Salaries and expenses of commission members who are legislators shall be paid
99 in accordance with Section [36-2-2](#) and Legislative Joint Rules, Title 5, Chapter 3, Legislative
100 Compensation.

101 (b) A commission member who is not a legislator may not receive compensation,
102 benefits, per diem, or expense reimbursement for the member's service on the commission.

103 (4) The Office of Legislative Research and General Counsel shall provide staff support
104 to the commission.

105 Section 5. Section **63C-15-203** is enacted to read:

106 **63C-15-203. Commission duties and responsibilities.**

107 (1) The commission shall:

108 (a) carefully and deliberately consider, study, and evaluate how and where to move the
109 state prison, and in that process:

110 (i) consider whether to locate new prison facilities on land already owned by the state
111 or on land that is currently in other public or private ownership but that the state may acquire or
112 lease, whether to locate new prison facilities at one location or multiple locations, and to what
113 extent future corrections needs may be met by existing state and county facilities; and

- 114 (ii) take into account relevant objectives, including:
- 115 (A) coordinating the commission's efforts with the efforts of the justice commission
- 116 and the department to evaluate criminal justice policies to increase public safety, reduce
- 117 recidivism, and reduce prison population growth;
- 118 (B) ensuring that new prison facilities are conducive to future inmate programming that
- 119 encourages a reduction in recidivism;
- 120 (C) locating new prison facilities to help facilitate an adequate level of volunteer and
- 121 staff support that will allow for a correctional program that is commensurate with the high
- 122 standards that should be maintained in the state;
- 123 (D) locating new prison facilities within a reasonable distance of comprehensive
- 124 medical facilities;
- 125 (E) locating new prison facilities to be compatible with surrounding land uses for the
- 126 foreseeable future;
- 127 (F) locating new prison facilities with careful consideration given to the concerns of
- 128 access to courts, visiting and public access, expansion capabilities, emergency response factors,
- 129 and the availability of infrastructure;
- 130 (G) supporting new prison facilities by one or more appropriations from the
- 131 Legislature;
- 132 (H) developing performance specifications for new prison facilities that facilitate a
- 133 high quality correctional program;
- 134 (I) phasing in construction over a period of time; and
- 135 (J) making every reasonable effort to maximize efficiencies and cost savings that result
- 136 from building and operating newer, more efficient prison facilities;
- 137 (b) invite the participation in commission meetings of interested parties, the public,
- 138 experts in the area of prison facilities, and any others the commission considers to have
- 139 information or ideas that would be useful to the commission;
- 140 (c) formulate recommendations concerning:
- 141 (i) the location or locations to which the new prison facilities should be moved;

142 (ii) the type of facilities that should be constructed to accommodate the prison
143 population and to facilitate implementation of any new corrections programs; and

144 (iii) the extent to which future corrections needs can be met by existing state or county
145 facilities; and

146 (d) before the start of the 2015 General Session of the Legislature, report the
147 commission's recommendations in writing to the Legislature and governor.

148 (2) The commission may:

149 (a) meet as many times as the commission considers necessary or advisable in order to
150 fulfill its responsibilities under this part;

151 (b) hire or direct the hiring of one or more consultants with experience or expertise in a
152 subject under consideration by the commission, to assist the commission in fulfilling its duties
153 under this part; and

154 (c) in its discretion, elect to succeed to the position of the Prison Relocation and
155 Development Authority under a contract that the Prison Relocation and Development Authority
156 is a party to, subject to applicable contractual provisions.

157 (3) The commission may not:

158 (a) consider or evaluate future uses of the property on which the state prison is
159 currently located;

160 (b) make recommendations concerning the future use or development of the land on
161 which the state prison is currently located;

162 (c) make any commitments or enter into any contracts for the acquisition of land for
163 new state prison facilities or regarding the construction of new state prison facilities; or

164 (d) initiate or pursue the procurement of a person to design or construct new prison
165 facilities.

166 Section 6. Section **63C-15-204** is enacted to read:

167 **63C-15-204. Other agencies' cooperation and actions.**

168 (1) The department and the justice commission shall work cooperatively with the
169 commission to help ensure that the location and nature of new prison facilities that the

170 commission recommends are conducive to and consistent with any anticipated reforms of or
171 changes to the state's corrections system and correction programs.

172 (2) As the commission works to formulate recommendations on how and where to
173 relocate the state prison, the division may, in consultation with the commission, undertake
174 efforts, consistent with the recommendations being formulated by the commission:

175 (a) to develop performance specifications for future prison facilities; and
176 (b) to identify and secure the rights to land that appears to be suitable for future prison
177 facilities.

178 (3) All state agencies and political subdivisions of the state shall, upon the
179 commission's request:

180 (a) reasonably cooperate with the commission to facilitate the fulfillment of its
181 responsibilities; and

182 (b) provide information or assistance that the commission reasonably needs in order to
183 fulfill its responsibilities.

184 Section 7. Section **63I-1-263** is amended to read:

185 **63I-1-263. Repeal dates, Titles 63A to 63M.**

186 (1) Section **63A-4-204**, authorizing the Risk Management Fund to provide coverage to
187 any public school district which chooses to participate, is repealed July 1, 2016.

188 (2) Subsections **63A-5-104(4)(d)** and (e) are repealed on July 1, 2014.

189 (3) Section **63A-5-603**, State Facility Energy Efficiency Fund, is repealed July 1, 2016.

190 (4) Title 63C, Chapter 4a, Constitutional and Federalism Defense Act, is repealed July
191 1, 2018.

192 (5) Section **53B-24-402**, rural residency training program, is repealed July 1, 2015.

193 (6) Title 63C, Chapter 13, Prison Relocation and Development Authority Act, is
194 repealed July 1, 2014.

195 (7) Title 63C, Chapter 14, Federal Funds Commission, is repealed July 1, 2018.

196 (8) Title 63C, Chapter 15, Prison Relocation Commission, is repealed July 1, 2017.

197 [~~8~~] (9) Subsection **63G-6a-1402(7)** authorizing certain transportation agencies to

198 award a contract for a design-build transportation project in certain circumstances, is repealed
199 July 1, 2015.

200 ~~[(9)]~~ (10) Title 63H, Chapter 4, Heber Valley Historic Railroad Authority, is repealed
201 July 1, 2020.

202 ~~[(10)]~~ (11) The Resource Development Coordinating Committee, created in Section
203 63J-4-501, is repealed July 1, 2015.

204 ~~[(11)]~~ (12) Title 63M, Chapter 1, Part 4, Enterprise Zone Act, is repealed July 1, 2018.

205 ~~[(12)]~~ (13) (a) Title 63M, Chapter 1, Part 11, Recycling Market Development Zone
206 Act, is repealed January 1, 2021.

207 (b) Subject to Subsection ~~[(12)]~~ (13)(c), Sections 59-7-610 and 59-10-1007 regarding
208 tax credits for certain persons in recycling market development zones, are repealed for taxable
209 years beginning on or after January 1, 2021.

210 (c) A person may not claim a tax credit under Section 59-7-610 or 59-10-1007:

211 (i) for the purchase price of machinery or equipment described in Section 59-7-610 or
212 59-10-1007, if the machinery or equipment is purchased on or after January 1, 2021; or

213 (ii) for an expenditure described in Subsection 59-7-610(1)(b) or 59-10-1007(1)(b), if
214 the expenditure is made on or after January 1, 2021.

215 (d) Notwithstanding Subsections ~~[(12)]~~ (13)(b) and (c), a person may carry forward a
216 tax credit in accordance with Section 59-7-610 or 59-10-1007 if:

217 (i) the person is entitled to a tax credit under Section 59-7-610 or 59-10-1007; and

218 (ii) (A) for the purchase price of machinery or equipment described in Section
219 59-7-610 or 59-10-1007, the machinery or equipment is purchased on or before December 31,
220 2020; or

221 (B) for an expenditure described in Subsection 59-7-610(1)(b) or 59-10-1007(1)(b), the
222 expenditure is made on or before December 31, 2020.

223 ~~[(13)]~~ (14) (a) Section 63M-1-2507, Health Care Compact is repealed on July 1, 2014.

224 (b) (i) The Legislature shall, before reauthorizing the Health Care Compact:

225 (A) direct the Health System Reform Task Force to evaluate the issues listed in

226 Subsection [~~(13)~~] (14)(b)(ii), and by January 1, 2013, develop and recommend criteria for the
227 Legislature to use to negotiate the terms of the Health Care Compact; and

228 (B) prior to July 1, 2014, seek amendments to the Health Care Compact among the
229 member states that the Legislature determines are appropriate after considering the
230 recommendations of the Health System Reform Task Force.

231 (ii) The Health System Reform Task Force shall evaluate and develop criteria for the
232 Legislature regarding:

233 (A) the impact of the Supreme Court ruling on the Affordable Care Act;

234 (B) whether Utah is likely to be required to implement any part of the Affordable Care
235 Act prior to negotiating the compact with the federal government, such as Medicaid expansion
236 in 2014;

237 (C) whether the compact's current funding formula, based on adjusted 2010 state
238 expenditures, is the best formula for Utah and other state compact members to use for
239 establishing the block grants from the federal government;

240 (D) whether the compact's calculation of current year inflation adjustment factor,
241 without consideration of the regional medical inflation rate in the current year, is adequate to
242 protect the state from increased costs associated with administering a state based Medicaid and
243 a state based Medicare program;

244 (E) whether the state has the flexibility it needs under the compact to implement and
245 fund state based initiatives, or whether the compact requires uniformity across member states
246 that does not benefit Utah;

247 (F) whether the state has the option under the compact to refuse to take over the federal
248 Medicare program;

249 (G) whether a state based Medicare program would provide better benefits to the
250 elderly and disabled citizens of the state than a federally run Medicare program;

251 (H) whether the state has the infrastructure necessary to implement and administer a
252 better state based Medicare program;

253 (I) whether the compact appropriately delegates policy decisions between the

254 legislative and executive branches of government regarding the development and
 255 implementation of the compact with other states and the federal government; and

256 (J) the impact on public health activities, including communicable disease surveillance
 257 and epidemiology.

258 ~~[(14)]~~ (15) The Crime Victim Reparations and Assistance Board, created in Section
 259 [63M-7-504](#), is repealed July 1, 2017.

260 ~~[(15)]~~ (16) Title 63M, Chapter 11, Utah Commission on Aging, is repealed July 1,
 261 2017.

262 Section 8. **Appropriation.**

263 Under the terms and conditions of Title 63J, Chapter 1, Budgetary Procedures Act, for
 264 the fiscal year beginning July 1, 2013 and ending June 30, 2014, the following sums of money
 265 are appropriated from resources not otherwise appropriated, or reduced from amounts
 266 previously appropriated, out of the funds or accounts indicated. These are additions to any
 267 amounts previously appropriated for fiscal year 2014.

268	<u>To Legislature - Senate</u>	
269	<u>From General Fund, one-time</u>	<u>\$14,000</u>
270	<u>Schedule of Programs:</u>	
271	<u>Administration</u>	<u>\$14,000</u>
272	<u>To Legislature - House of Representatives</u>	
273	<u>From General Fund, one-time</u>	<u>\$19,000</u>
274	<u>Schedule of Programs:</u>	
275	<u>Administration</u>	<u>\$19,000</u>
276	<u>To Legislature - Office of Legislative Research</u>	
277	<u>and General Counsel</u>	
278	<u>From General Fund, one-time</u>	<u>\$50,000</u>
279	<u>Schedule of Programs:</u>	
280	<u>Administration</u>	<u>\$50,000</u>
281	<u>To Administrative Services - DFCM Administration</u>	<u>\$3,417,000</u>

282 From General Fund, one-time

283 Schedule of Programs:

284 DFCM Administration \$3,417,000

285 The Legislature intends that the appropriation of \$3,417,000 to the Division of
286 Facilities Construction and Management be used by the division, in cooperation and
287 consultation with the Prison Relocation Commission, in fulfilling the division's responsibilities
288 under Subsection 63C-15-204(2), including the analysis and selection of, planning related to,
289 and securing the rights to land suitable for one or more new prison sites. Under terms of
290 Subsection 63J-1-603(3)(a), the Legislature intends that the \$3,417,000 appropriation provided
291 in this bill not lapse at the close of fiscal year 2014. The use of any nonlapsing funds is limited
292 to the analysis and selection of, planning related to, and securing the rights to land suitable for
293 one or more new prison sites.

294 **Section 9. Effective date.**

295 If approved by two-thirds of all the members elected to each house, this bill takes effect
296 upon approval by the governor, or the day following the constitutional time limit of Utah
297 Constitution, Article VII, Section 8, without the governor's signature, or in the case of a veto,
298 the date of veto override.